

## § 330.2

## 8 CFR Ch. I (1–1–03 Edition)

(ii) The full legal and equitable title to which is in a citizen of the United States, or a corporation organized under the laws of any of the several States of the United States;

(c) Served in the capacity specified in paragraph (b) of this section within five years immediately preceding the date on which the applicant filed the application for naturalization, or on which the alien is examined, if the application was filed early pursuant to section 334(a) of the Act.

(d) Has been, during the five years preceding the filing of the application for naturalization, or the examination on the application if the application was filed early under section 334(a) of the Act, and continues to be, of good moral character, attached to the principles of the Constitution of the United States, and favorably disposed toward the good order and happiness of the United States.

(1) An applicant is presumed to satisfy the requirements of this paragraph during periods of service in accordance with paragraphs (b) and (c) of this section, as reflected by the records and certificates submitted by the applicant under § 330.2(b).

(2) An applicant must demonstrate that he or she satisfies the requirements of this paragraph for those required periods when that applicant did not perform service in accordance with paragraphs (b) and (c) of this section; and

(e) Has complied with all other requirements for naturalization as provided in part 316 of this chapter, except that, for purposes of the residence requirements under paragraphs § 316.2 (a)(3) and (a)(4) of this chapter, service satisfying the conditions of this section shall be considered as residence and physical presence within the United States.

[56 FR 50493, Oct. 7, 1991]

### § 330.2 Application.

(a) An applicant for naturalization under section 330 of the Act must submit an Application for Naturalization, Form N-400, to the Service office exercising jurisdiction over the applicant's actual residence in the United States. For the purpose of this section, the term "actual residence" means the ap-

plicant's residence and abode ashore as may have been established during the period of qualifying service as a seaman immediately prior to the filing of the application.

(b) An applicant under this part must submit authenticated copies of the records and certificates of either:

(1) The Executive Department or Agencies having custody of records reflecting the applicant's service on a vessel in United States Government Service, if the applicant provided service under § 330.1(b)(1); or

(2) The masters of those vessels maintaining a home port in the United States, and either registered under the laws of the United States or owned by United States citizens or corporations, if the applicant provided service under § 330.1(b)(2).

[56 FR 50493, Oct. 7, 1991]

## PART 331—ALIEN ENEMIES; NATURALIZATION UNDER SPECIFIED CONDITIONS AND PROCEDURES

### Sec.

331.1 Definitions.

331.2 Eligibility.

331.3 Investigation.

331.4 Procedures.

AUTHORITY: 8 U.S.C. 1103, 1443.

SOURCE: 56 FR 50494, Oct. 7, 1991, unless otherwise noted.

### § 331.1 Definitions.

As used in this part:

*Alien enemy* means any person who is a native, citizen, subject or denizen of any country, state or sovereignty with which the United States is at war, for as long as the United States remains at war, as determined by proclamation of the President or resolution of Congress.

*Denizen* includes, but is not limited to, any person who has been admitted to residence and is entitled to certain rights in a country other than the one of the person's nationality. A person holding a status in another country equivalent to that of a lawful permanent resident in the United States would be considered to be a denizen.

## Immigration and Naturalization Service, Justice

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### § 331.2 Eligibility.

An alien enemy may be naturalized as a citizen of the United States under section 331 of the Act if:

(a) The alien's application for naturalization is pending at the beginning of the state of war, or the Service has granted the alien an exception from the classification as an alien enemy after conducting an investigation in accordance with § 331.3;

(b) The alien's loyalty to the United States is fully established upon investigation by the Service in accordance with § 331.3; and

(c) The alien is otherwise entitled to admission to citizenship.

### § 331.3 Investigation.

The Service shall conduct a full investigation of any alien enemy whose application for naturalization is pending upon declaration of war or at any time thereafter. This investigation may take place either prior to or after the examination on the application. This investigation shall encompass, but not be limited to, the applicant's loyalty to the United States and attachment to the country, state, or sovereignty with which the United States is at war.

### § 331.4 Procedures.

(a) Upon determining that an applicant for naturalization is an alien enemy, the Service shall notify the applicant in writing of its determination. Upon service of this notice to the applicant, the provisions of section 336(b) of the Act will no longer apply to such applicant, until that applicant is no longer classifiable as an alien enemy.

(b) Upon completion of the investigation described in § 331.3, if the Service concludes that the applicant's loyalty and attachment to the United States have been fully established, the application may be granted.

332.3 Instruction and training in citizenship responsibilities.

332.4 Cooperation with official National and State organizations.

332.5 Official forms for use by clerks of court.

AUTHORITY: 8 U.S.C. 1103, 1443, 1447.

### § 332.1 Designation of service employees to administer oaths and conduct examinations and hearings.

(a) *Examinations.* All immigration examiners are hereby designated to conduct the examination for naturalization required under section 335 of the Act. A district director may also designate other officers of the Service, who are classified at grade levels equal to or higher than the grade of the immigration examiners, to conduct the examination under section 335 of the Act, provided that each officer so designated has received appropriate training.

(b) *Hearings.* Section 336 of the Act authorizes immigration officers to conduct hearings under that section. A district director may designate the officers who are designated under paragraph (a) of this section to conduct hearings under section 336 of the Act.

(c) *Depositions.* All immigration officers and other officers or employees of the Service who are classified at grade levels equal to or higher than the grade of the immigration officers are hereby designated to take depositions in matters relating to the administration of naturalization and citizenship laws.

(d) *Oaths and affirmations.* All immigration officers and other officers or employees of the Service who are classified at grade levels equal to or higher than the grade of the immigration officers are hereby designated to administer oaths or affirmations except for the oath of allegiance as provided in § 337.2 of this chapter.

[56 FR 50494, Oct. 7, 1991]

### § 332.2 Establishment of photographic studios.

District directors shall after investigation recommend to the appropriate regional commissioner the establishment and operation of studios providing photographic services. The studios shall be operated by sponsoring organizations on a nonprofit basis solely

## PART 332—NATURALIZATION ADMINISTRATION

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332.1 Designation of service employees to administer oaths and conduct examinations and hearings.

332.2 Establishment of photographic studios.